HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 13th June, 2006
Bail Application No. 1099 of 2005

Order on the bail application of the accused.

CRIMINAL SIDE

Rajendra Prasad
S/o Shri Ramanand
R/o Village – Odgaon, Patti Godar
Tehsil-Badkote
District –Uttarkashi .....Applicant

Versus

State of Uttaranchal .....Opposite Party

In Case Crime No. 4 of 2005
U/s 328, 302 I.P.C.
Police Station/Patti Kandari Chowki
Tehsil –Badkote
District – Uttarkashi

Hon'ble J.C.S.Rawat,J.

Heard Sri Prabhakar Joshi-learned counsel for the applicants, learned AGA for the State and perused the record.

The case rests on circumstantial evidence. The first circumstances which has been shown against the accused-applicant is that Rajendra Prasad-the present applicant was seen by Sabala lal, Moti Lal and Parmanad entering into the *Chan* of deceased immediately before the entering of the deceased in his *Chan* and they have also stated that the present applicant took something in his hand and entered into the *Chan*. Immediately thereafter, the deceased entered into the *Chan* and he took the food inside the house. The F.I.R. further discloses that the deceased had immediately before the death had stated that there was a scuffle in between the accused-applicant thereafter, the deceased left his *Chan* after preparing the food. The circumstance shows that the witness saw the accused-applicant entering into the *Chan* and immediately thereafter the deceased came inside the house and he took the food and he fell unconscious. The said rice cooked by the deceased was sent to the chemical examiner and the viscera was also preserved. The said rice and the viscera had the same poison and as such, there is a complete chain of circumstances against the against accused-

applicant at this stage.

Considering the facts and circumstance of the case in totality, it is not a fit case for bail at this stage.

Accordingly, the bail application is rejected.

(J.C.S.Rawat,J.)

Dated 13.06.2006
Shiv